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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. 4-13-70494-MAG
)	
14 Plaintiff,)	AMENDED STIPULATION AND ORDER
)	TO CONTINUE PRELIMINARY
15 v.)	HEARING AND EXCLUDE TIME
)	UNDER THE SPEEDY TRIAL ACT AND
16)	RULE 5.1
17 AHUIZOTL MENDOZA-BAHENA,)	
)	
18)	
Defendant.)	
19)	

20
21 An arraignment or preliminary hearing is currently scheduled in the case on June 19,
22 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the
23 Court enters this order scheduling an arraignment or preliminary hearing date of July 17, 2013 at
24 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the
25 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
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Amended Stip. Req. to Continue Preliminary
Hearing and Exclude Time, No. 4-13-70494-
MAG

1 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 19, 2013 to July 17, 2013. The
2 parties are still waiting for the DEA laboratory to finish testing the alleged contraband in this
3 case. The completed reports will be important to the parties in their attempt to resolve the case.
4 Therefore, the parties agree, and the Court finds and holds, as follows:

5 1. The defendant is in custody.

6 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
7 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
10 preliminary hearing.

11 4. Counsel for the defense believes that postponing the preliminary hearing is in his
12 client's best interest, and that it is not in his client's interest for the United States to indict the
13 case during the normal 21-day timeline established in Rule 5.1.

14 5. The Court finds that, taking into the account the public interest in the prompt
15 disposition of criminal cases, these grounds are good cause for extending the time limits for a
16 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
17 the Court finds that the ends of justice served by excluding the period from June 19, 2013 to July
18 17, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C.
19 § 3161(h)(8)(A).

20 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
21 hearing date before the duty magistrate judge on July 17, 2013, at 9:30 a.m., and (2) orders that
22 the period from June 19, 2013 to July 17, 2013, be excluded from the time period for preliminary
23 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations

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under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: June 6, 2013

/S/
AARON D. WEGNER
Assistant United States Attorney

DATED: June 6, 2013

/S/
JOHN PAUL REICHMUTH
Counsel for defendant

IT IS SO ORDERED.

June 7, 2013



DONNA M. RYU
United States Magistrate Judge